

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE ) MDL NO. 1456  
LITIGATION ) Civil Action No. 01-12257-PBS  
 )  
 ) Hon. Patti B. Saris  
THIS DOCUMENT RELATES TO )  
01-CV-12257-PBS AND 01-CV-339 )  
 )

**NOTICE OF FILING UNDER SEAL**

To: All Counsel of Record

Please take notice that on March 10, 2005, we caused to be filed with the Clerk of the District of Massachusetts under seal the Track One Defendants' Comments on the Report of Dr. Ernst R. Berndt.

Respectfully submitted,

THE TRACK 1 DEFENDANTS

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Dated: March 10, 2005

**CERTIFICATE OF SERVICE**

I certify that on March 10, 2005, a true and correct copy of the foregoing Notice of Filing Under Seal was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Jessica V. Barnett  
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